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Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	CC Docket No. 96-45
Federal-State Joint Board on	)	
Universal Service	)	DA 98-2410
	)	

COMMENTS

The National Exchange Carrier Association, Inc. (NECA)<sup>1</sup> submits its comments in response to the Federal Communications Commission's (FCC or Commission) November 25, 1998 *Public Notice*.<sup>2</sup> The *Public Notice* invites comment on a wide range of issues related to the Universal Service Federal-State Joint Board's (Joint Board) *Second Recommended Decision*.<sup>3</sup>

The proposals described in the *Second Recommended Decision* generally focus on support mechanisms for non-rural local exchange carriers (LECs). Most participants in NECA's Common Line (CL) and Traffic Sensitive (TS) access charge pools are rural LECs, and therefore are not directly affected by Commission actions in this proceeding. Because some NECA pool participants are non-rural, however, changes in universal service support levels to these companies could have a significant impact on NECA access

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<sup>1</sup> Under the Commission's rules, NECA is responsible for the preparation of access charge tariffs on behalf of telephone companies that do not file separate tariffs; and for the collection and distribution of associated access charge revenues. The Commission's actions in this docket will directly impact the preparation of access charge tariffs, and resulting settlements for members of the NECA pools. See 47 C.F.R. §§ 69.603 and 69.604.

<sup>2</sup> Common Carrier Bureau Seeks Comment on Universal Service Joint Board's *Second Recommended Decision*, CC Docket No. 96-45, *Public Notice*, DA 98-2410 (Nov. 25, 1998)(*Public Notice*).

<sup>3</sup> Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Second Recommended Decision*, FCC 98J-7 (Nov. 25, 1998)(*Second Recommended Decision*).

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service rates. Additionally, many rural companies are concerned that changes to non-rural companies' support mechanisms will be applied to rural carriers in later phases of this proceeding, without adequate consideration of the substantial differences that exist between non-rural and rural carrier operations.

For these reasons, NECA supports the Joint Board's efforts to reexamine and address concerns associated with the Commission's universal service support program. In particular, the Joint Board is to be commended for recognizing that the "25/75" method<sup>4</sup> for splitting support responsibility between the federal and state jurisdictions, originally adopted in the Commission's *Universal Service Order*,<sup>5</sup> might not have provided adequate support to high cost areas. As NECA has previously explained, significant reductions in support levels that might have occurred under new universal service mechanisms could harm universal service and result in substantially higher NECA access rates as well.<sup>6</sup>

In this regard, NECA strongly supports the Joint Board's "hold harmless" approach to universal service funding. In implementing this proposal, the Commission should establish rules that assure continuation of at least current levels of support to non-rural carriers that participate in NECA's access charge pools. This approach will assure

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<sup>4</sup> *Second Recommended Decision* at ¶ 4.

<sup>5</sup> Federal-State Joint Board on Universal Service, *Report and Order*, 11 FCC Rcd 13708 (1996) (*Universal Service Order*).

<sup>6</sup> See, e.g., NECA Comments at 3 (Aug. 17, 1998) on Access Charge Reform for Incumbent Local Exchange Carriers Subject to Rate-of-Return Regulation, CC Docket No. 98-77, *Notice of Proposed Rulemaking*, 13 FCC Rcd 14238 (1998); and NECA Comments at 3, 6 (May 15, 1998) on Common Carrier Bureau Seeks Comment on Proposals to Revise the Methodology for Determining Universal Service Support, *Public Notice*, 13 FCC Rcd 7341 (1998).

that NECA access rates will not be significantly impacted by changes in non-rural carriers support.<sup>7</sup>

NECA also concurs in the Joint Board's continued commitment not to begin altering existing rural carrier support mechanisms until January 1, 2001 at the earliest. Current support mechanisms have developed over a period of decades. Current universal service rules recognize the fact that small, rural LECs face different circumstances from larger LECs.<sup>8</sup> For example, current high cost programs are specifically designed to target additional support to smaller carriers. It is critical that any new mechanisms be thoroughly tested and examined prior to application to any carriers, especially small rural carriers that are most sensitive to changes in support. These carriers must have adequate time (including, if necessary, a substantial transition period) to adjust to any new mechanisms.

NECA also supports the Joint Board recommendation for the Commission to investigate better ways of providing universal service support for unserved areas.<sup>9</sup> These areas are often geographically situated near the service areas of rural LECs. Uncertainty regarding the availability of universal service support inhibits carriers from incurring investment risk associated with new service extensions. A special study of these areas may

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<sup>7</sup> Application of new universal service mechanisms, even to the few non-rural carriers in NECA's pools, could otherwise have significant adverse effects on NECA access rates. For example, NECA estimates that the movement of two non-rural pool members to a new universal service support mechanism could cause NECA's current terminating CCL rate to rise approximately 62 percent. See NECA Reply at 3 (May 29, 1998) on Common Carrier Bureau Seeks Comment on Proposals to Revise the Methodology for Determining Universal Service Support, *Public Notice*, 13 FCC Rcd 7341 (1998).

<sup>8</sup> See, e.g., *Universal Service Order* at ¶ 291.

<sup>9</sup> *Second Recommended Decision* at ¶¶ 54 - 55.

help the Commission to fashion rules that assure adequate universal service funding in future years, thus allowing for continued expansion of service.

The Joint Board's *Second Recommended Decision* therefore represents a positive step forward. Many uncertainties and concerns remain unresolved, however, and much work needs to be done before new mechanisms can be applied to determine carriers' actual support amounts. NECA reiterates that it is impossible to evaluate the impacts of using forward-looking cost models until model variables and inputs are fully defined and tested. As the Joint Board recognizes, "significant uncertainties need to be eliminated before a model can serve as the basis for federal support distributions."<sup>10</sup>

Many administrative issues will also need to be resolved prior to application of new support mechanisms to carriers. Numerous changes in current accounting and record-keeping requirements incorporated in Parts 32 and 36 of the Commission's rules may be needed. The Joint Board, Commission and the industry must also work together carefully to establish support portability rules that are competitively neutral, and that assure continued availability of services from a viable "carrier of last resort."

Finally, the Commission should continue to recognize that there are pronounced differences in operating circumstances between rural and non-rural carriers and among carriers serving rural areas. These differences strongly caution against automatic application to rural carriers of any mechanism developed in this proceeding for non-rural carriers. Many rural carriers serve vast geographic areas with varying operating circumstances and challenges. In the Alaska bush, for example, it is not uncommon for a

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<sup>10</sup> *Second Recommended Decision* at ¶ 29.

local call to be transported via satellite simply because terrain and distance between the subscriber and the telephone company central office, as well as low subscriber density, make investment in wireline technology prohibitive. While this example may be unique to Alaska, rural carriers throughout the country are faced with many "unique" challenges that set them apart from larger non-rural carriers. Without the subscriber density of larger, more urban carriers over which to recover expenses and amortize investment in local loop and switching facilities, rural carriers face serious challenges in upgrading and expanding services while keeping rates affordable. These differences must be taken into account before new universal service mechanisms are applied to rural carriers.

As the Commission moves forward with its evaluation of new universal service mechanisms for non-rural carriers, it should keep in clear view the pronounced impact its actions could have on NECA access service rates. Universal Service mechanisms are tightly integrated with access charge recovery mechanisms and cost separations mechanisms, and changes in one area must be coordinated with changes in others. The Commission must not apply mechanisms developed for non-rural carriers to rural carriers without careful consideration of the unique circumstances faced by these smaller carriers.

Respectfully submitted,

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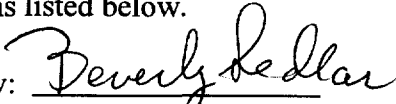
December 23, 1998

National Exchange Carrier Association  
CC Docket No. 96-45, DA 98-2410

December 23, 1998

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